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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,285	10/26/2005	Daniel E. Evanicky	Deep-7	9085
41066 7590 09/17/2008 MURABITO, HAO & BARNES, LLP TWO NORTH MARKET STREET, THIRD FLOOR SAN JOSE, CA 95113				
EXAMINER				
ALMEIDA, CORY A				
ART UNIT		PAPER NUMBER		
2629				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,285

Applicant(s)

EVANICKY, DANIEL E.

Examiner

CORY A. ALMEIDA

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-38 is/are pending in the application.
- 4a) Of the above claim(s) 17,23,30 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-16,18-22,24-29,31-35,37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 17, 23, 30 and 36 are cancelled.

Claims 13-16, 18-22, 24-29, 31-35 and 37-38 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13-15, 19-21, 25-28, 32-34 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Witehira, US-6906762.

3. In regards to claim 20 and associated method claim 13, Witehira discloses a first display screen (Fig. 1, 1) for displaying an image (Fig. 1, 5), and a second display screen (Fig. 1, 3) for adjusting a transmissivity of a region of said second display screen to implement an image characteristic associated with a presentation of said image (Fig. 1, 6), wherein said first and second display screens overlap (Fig. 1), wherein said region comprises a portion of said second display screen and corresponds to said image displayed on said first display screen (Fig. 1, 6).

4. In regards to claim 21 and associated method claim 14, Witehira discloses said image characteristic is selected from a group consisting of a brightness, a contrast, a color, a hue, a color temperature, and a gamma response (Fig. 1, 6 is represented by colors).

5. In regards to method claim 15, Witehira discloses displaying said image on said first display screen (Fig. 1, 5), and adjusting said second display screen in accordance with said transmissivity to present said image with said image characteristic (Fig. 1).

6. In regards to claim 25 and associated method claim 19, Witehira discloses said first and second display screens comprise liquid crystal displays (Col. 2, 13-19).

7. In regards to claim 33 and associated method claim 26, Witehira discloses a first display screen (Fig. 1, 1) for displaying an image (Fig. 1, 5), and a non-display screen (Fig. 1, 3) for adjusting a transmissivity of a region of said second display screen to implement an image characteristic associated with a presentation of said image (Fig. 1, 6), wherein said first and second display screens overlap (Fig. 1), wherein said region comprises a portion of said second display screen and corresponds to said image displayed on said first display screen (Fig. 1, 6).

8. In regards to claim 34 and associated method claim 27, Witehira discloses said image characteristic is selected from a group consisting of a brightness, a contrast, a color, a hue, a color temperature, and a gamma response (Fig. 1, 6 is represented by colors).

9. In regards to method claim 28, Witehira discloses displaying said image on said first display screen (Fig. 1, 5), and adjusting said second display screen in accordance with said transmissivity to present said image with said image characteristic (Fig. 1).

10. In regards to claim 38 and associated method claim 32, Witehira discloses said first and second display screens comprise liquid crystal displays (Col. 2, 13-19).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 16, 22, 29, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witehira, US-6906762.

13. In regards to claims 22 and 35 and associated method claims 16 and 29, Witehira disclose said second display screen is further operable to adjust a transmissivity of a second region of said second display screen to implement a second image characteristic (Fig. 8 shows the second display having a front of the car shown in a new location) associated with a presentation of a second image (Fig. 8 mountains), wherein said second region comprises a portion of said second display screen and corresponds to said second image displayed on said first display screen (Fig. 8 front of car on screen 3 against mountains on screen 1), wherein said image characteristic and said second image characteristic are different (the front of the car as opposed to a full car).

Witehira does not expressly disclose said image characteristic and said second image characteristic are operable to be simultaneously implemented.

However, at the time of the invention, it would have been obvious to a person of ordinary skill in the art that the invention of Witehira could simultaneously implement two cars or any other images on the foreground screen.

14. Claims 18, 24, 31, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witehira, US-6906762 in view of Clifton, US- 6388648.

15. In regards to claims 24 and 37 and associated method claims 18 and 31, Witehari does not disclose expressly said second display screen is operable to adjust contrast of said image within said region while substantially maintaining net brightness of graphical objects presented by said first and second display screens.

Clifton discloses an lcd projection unit that maintains overall luminance for a multiple display system (Col. 7, 18-29).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the projection system of Clifton in conjunction with the display system of Witehari.

The motivation for doing so would have been to maintain uniform luminance through the 2 displays (Col. 7, 18-29).

Therefore, it would have been obvious to combine Clifton with Witehari to obtain the invention as specified in claims 18, 24, 31, and 37.

Response to Arguments

16. Applicant's arguments with respect to claims 13-16, 18-22, 24-29, 31-35 and 37-38 have been considered but are moot in view of the new ground(s) of rejection as presented above.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CORY A. ALMEIDA whose telephone number is (571) 270-3143. The examiner can normally be reached on Monday through Friday 8AM to 4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CA

9/11/08

/Amr Awad/
Supervisory Patent Examiner, Art Unit 2629